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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]*

DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury

**07 CR 3473 DMS**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) | Criminal Case No. _____        |
|                           | ) |                                |
| Plaintiff,                | ) | <u>I N D I C T M E N T</u>     |
|                           | ) |                                |
| v.                        | ) | Title 8, U.S.C., Secs. 1326(a) |
|                           | ) | and (b) - Deported Alien Found |
| BENJAMIN HERNANDEZ-MORA,  | ) | in the United States           |
|                           | ) |                                |
| Defendant.                | ) |                                |

The grand jury charges:

On or about October 9, 2007, within the Southern District of California, defendant BENJAMIN HERNANDEZ-MORA, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Sections 1326(a) and (b).

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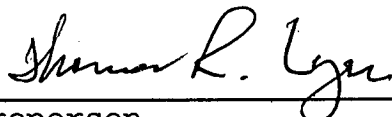
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CJB:fer:San Diego  
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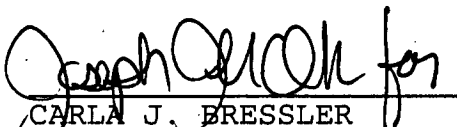
1 It is further alleged that defendant BENJAMIN HERNANDEZ-MORA, was  
2 removed from the United States subsequent to June 30, 2005.

3 DATED: December 27, 2007.

4 A TRUE BILL:

5   
6 Sherman L. Lye  
7 Foreperson

8 KAREN P. HEWITT  
9 United States Attorney

10 By:   
11 CARLA J. BRESSLER  
12 Assistant U.S. Attorney  
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